

EXHIBIT E

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18 *Attorneys for Plaintiff*
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21 UNITED STATES DISTRICT COURT
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23 FOR THE NORTHERN DISTRICT OF CALIFORNIA
24

25 **LISAMARIA MARTINEZ,**
26

27 Plaintiff,
28

29 v.
30
31 **COUNTY OF ALAMEDA, MELISSA**
32 **WILK**, in her individual capacity, **EVA HE**,
33 in her individual capacity, **MARIA LAURA**
34 **BRIONES**, in her individual capacity,
35

36 Defendants
37
38

39 Case No. 3:20-cv-06570-TSH
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41 **PLAINTIFF'S AMENDED EXCHANGED**
42 **PRETRIAL DISCLOSURES**
43
44

1 **PLAINTIFF'S EXCHANGED PRETRIAL DISCLOSURES**

2 Per the Court's Case Updated Management Order (ECF No. 87) and FRCP 26(a)(3), Plaintiff
3 provides the following pretrial disclosures.

4 **I. WITNESS LIST**

5 **Lisamaria Martinez**

6 c/o TRE LEGAL PRACTICE
1155 Market Street, Tenth Floor
7 San Francisco, CA 94103

8 Plaintiff will testify as to all aspects of the claims and defenses presented herein. See Plaintiff's
9 deposition for further detail. Direct examination is anticipated to take approximately 3 hours.

10 **Joseph A. Bakker**

11 c/o TRE LEGAL PRACTICE
1155 Market Street, Tenth Floor
12 San Francisco, CA 94103

13 4513 Fernandez St.
14 Union City, CA 94587
15 (408) 410-8228

16 Plaintiff's husband will testify as to the tools, techniques and technologies Ms. Martinez uses on
17 a daily basis to navigate the world as a person who is blind. He will testify about the assistance
18 that he had to provide to help Plaintiff fill out the inaccessible FBN PDF forms. He will also
19 testify as to the emotional and stigmatic injury suffered by Ms. Martinez. Direct examination is
20 anticipated to take 1.5 hours.

21 **Emily Grimm**

22 c/o TRE LEGAL PRACTICE
1155 Market Street, Tenth Floor
23 San Francisco, CA 94103

24 34862 Lilac St.
25 Union City, CA 94587
26 (707) 704-0416

27 Ms. Grimm will testify as to the process of acting as a qualified reader as she performed it for
28 Ms. Martinez. Ms. Grimm will also testify as to her experiences accompanying Ms. Martinez to
the CRO on a second occasion and the charges Plaintiff incurred for using her services at a rate
of \$25 per hour. She will also testify as to the emotional and stigmatic injury suffered by Ms.
Martinez. Direct examination is anticipated to take 1.5 hours.

1 **Marco Salsiccia**

2 c/o TRE LEGAL PRACTICE
3 1155 Market Street, Tenth Floor
4 San Francisco, CA 94103

5 10405 Foothill Blvd.
6 Oakland, CA 94605
7 (408) 314-5401

8 Mr. Salsiccia will testify about the experience of using a County scribe to complete and file a
9 paper FBNS form between 12/8/2022 and 12/22/2022 in the Oakland Clerk Recorder's Office.
10 Direct examination is anticipated to take 1 hour.

11 **Lucia Greco**

12 c/o TRE LEGAL PRACTICE
13 1155 Market Street, Tenth Floor
14 San Francisco, CA 94103

15 819 Peralta Ave.
16 Berkeley, CA 94707
17 (510) 918-9621

18 Ms. Greco will testify about the experience of using a County scribe to complete and file a paper
19 FBNS form between 12/8/2022 and 12/22/2022 in the Oakland Clerk Recorder's Office. Direct
20 examination is anticipated to take 1 hour.

21 **Corporate Representative for County of Alameda**

22 c/o ORBACH HUFF, et al.
23 6210 Stoneridge Mall Road, #210
24 Pleasanton, CA 94588

25 The Corporate Representative is expected to testify as to the relevant policies of the CRO and all
26 aspects of the defenses brought by the county. Direct examination is anticipated to take 2-3
27 hours.

28 **Angelina Moran**

29 c/o ORBACH HUFF, et al.
30 6210 Stoneridge Mall Road, #210
31 Pleasanton, CA 94588

32 Ms. Moran is expected to testify as to Ms. Martinez's attempts to file the FBN, the policies of the
33 CRO as she understood them, her prior training, and all other matters relevant to the defenses of
34 the County of Alameda. Direct examination is anticipated to take 1-2 hours.

1 **Matt Yankee**

2 c/o ORBACH HUFF, et al.
3 6210 Stoneridge Mall Road, #210
4 Pleasanton, CA 94588

5 Mr. Yankee will testify as to the relevant policies of the CRO, his understanding of the ADA,
6 deliberate indifference, damages and all aspects of the defenses brought by the county. Direct
7 examination is anticipated to take 2-3 hours.

8 **Expert Witnesses**

9 **Steven Clark**

10 c/o TRE LEGAL PRACTICE
11 1155 Market Street, Tenth Floor
12 San Francisco, CA 94103

13 2 McLea Court, Suite 201
14 San Francisco, CA 94103
15 (415) 409-6650

16 Mr. Clark will testify at the trial of this case as an expert pursuant to Fed. R. Evid. 702-705. He
17 will testify regarding the matters and opinions stated in his report based on education, training,
18 and experience. Direct examination is anticipated to take 2 hours.

19 **Karen McCall**

20 c/o TRE LEGAL PRACTICE
21 1155 Market Street, Tenth Floor
22 San Francisco, CA 94103

23 64 West River Street
24 Paris ON Canada N3L 2V1
25 (519) 442-2856

26 Ms. McCall will testify at the trial of this case as an expert pursuant to Fed. R. Evid. 702-705.
27 She will testify regarding the matters and opinions stated in her report based on education,
28 training, and experience. Direct examination is anticipated to take 2 hours.

29 **Eve Hill**

30 c/o TRE LEGAL PRACTICE
31 1155 Market Street, Tenth Floor
32 San Francisco, CA 94103

33 120 East Baltimore Street, Suite 2500
34 Baltimore, MD 21202
35 (410) 962-1030

1 Ms. Hill will testify at the trial of this case as a rebuttal expert pursuant to Fed. R. Evid. 702-705.
2 She will testify regarding the matters and opinions stated in her report based on education,
3 training, and experience. Her examination is anticipated to take 1-2 hours if she is called for
4 rebuttal testimony.

5 **Witnesses to be Called if the Need Arises**

6 **Maria Laura Briones**

7 c/o ORBACH HUFF, et al.
8 6210 Stoneridge Mall Road, #210
9 Pleasanton, CA 94588

10 Ms. Briones is expected to testify as to Ms. Martinez's attempts to file the FBN, the policies of
11 the CRO as she understood them, her prior training, her understanding of the ADA, deliberate
12 indifference, damages and all other matters relevant to the defenses of the County of Alameda.
13 Direct examination is anticipated to take 1-2 hours if this witness is called.

14 **Melissa Wilk**

15 c/o ORBACH HUFF, et al.
16 6210 Stoneridge Mall Road, #210
17 Pleasanton, CA 94588

18 Ms. Wilk is expected to testify as to the relevant policies of the CRO, deliberate indifference,
19 damages, and all aspects of the defenses brought by the county. Direct examination is anticipated
20 to take 1-2 hours if this witness is called.

21 **Eva He**

22 c/o ORBACH HUFF, et al.
23 6210 Stoneridge Mall Road, #210
24 Pleasanton, CA 94588

25 Ms. He is expected to testify as to Ms. Martinez's attempts to file the FBN, the policies of the
26 CRO as she understood them, her prior training, her understanding of the ADA, deliberate
27 indifference, damages, and all other matters relevant to the defenses of the County of Alameda.
28 Direct examination is anticipated to take 1-2 hours if this witness is called.

29 **Raymond Leimana Akahi Macapagal**

30 c/o TRE LEGAL PRACTICE
31 1155 Market Street, Tenth Floor
32 San Francisco, CA 94103
33
34 2430 Road 20
35 Apt. 3B01
36 San Pablo, CA 94806
37 (619) 206 9667

1 Mr. Akahi may testify at the trial of this case about his experience of using the County of
 2 Alameda's computer kiosk and JAWS system and/or other arrangements to complete forms at
 3 the CRO in Oakland. Direct examination is anticipated to take 1.5 hours if this witness is called.

4 Plaintiff reserves the right to call any witness designated by Defendants.

5 **II. PLAINTIFF'S PROPOSED EXHIBITS**

6 Exhibit 1 – Title II Elements and Jury Charge Demonstrative Chart(s)

7 Exhibit 2 – Excerpts from the Code of Federal Regulations – He Dep. Ex. H1

8 Exhibit 3 – DOJ Guidance – Briones Dep. Ex. B1 and all sources referenced therein

9 Exhibit 4 – DOJ Publication – ADA Requirements – Effective Communication,

10 <https://www.ada.gov/resources/effective-communication/>

11 Exhibit 5 – DOJ ADA Title II Technical Assistance Manual, Equally effective communication

12 and Primary consideration § II-7.1000-1100, <https://archive.ada.gov/taman2.html#II-7.1000>

13 Exhibit 6 – Demonstrative Photographs of the CRO Public Waiting Area, PL1573, PL1583

14 Exhibit 7 – Plaintiff's Initial Completed FBN Form – Briones Dep. Ex. M2, PL0009

15 Exhibit 8 – Be Confident Be You Articles of Incorporation – PL0007-8

16 Exhibit 9 – Go Back Letter – Briones Dep. Ex. M1, County_0012

17 Exhibit 10 – Final Filed FBN – Briones Dep. Ex. M4, County_0011

18 Exhibit 11 – Letter to Ziegler & Welk at the County of Alameda re Structured Negotiations

19 (11/14/19), County_001-010

20 Exhibit 12 – Martinez family mementos

21 Exhibit 13 – Photographs/promotional materials from Be Confident Be You™

22 Exhibit 14 – Audio recordings and/or transcripts of the incident in question – PL0001, PL0003,

23 PL0005

24 Exhibit 15 – Plaintiff's Claim Against the County of Alameda – Yankee 30(b)(6) Dep. Ex. Y1,

25 PL0014-16

26 Exhibit 16 – Acknowledgement of Plaintiff's Claim – Yankee 30(b)(6) Dep. Ex. AC3

Exhibit 17 – “May I Help You? Legal Advice vs. Legal Information: A Resource Guide for Court Clerks” (California Judicial Council Access and Fairness Advisory Committee),
<https://www.courts.ca.gov/documents/mayihelpyou.pdf>, PL0047-PL0058

Exhibit 18 – “Can the court system help me fill out a form as an accommodation,”
NYCOURTS.GOV Accessibility General FAQ’s,
<https://ww2.nycourts.gov/Accessibility/faqs.shtml>, PL0059-PL0066

Exhibit 19 – “How to ask for a court accommodation under the Americans with Disabilities Act,”
Mass.gov, <https://www.mass.gov/info-details/how-to-ask-for-a-court-accommodation-under-the-americans-with-disabilities-act>, PL0067-PL0070

Exhibit 20 – Fictitious Business Name PDF dated 10/18 – McCall Report, Ex. 1, PL1547

Exhibit 21 – Fictitious Business Name PDF dated 4/21 – McCall Report, Ex. 2, PL1549

Exhibit 22 – Fictitious Business Name PDF dated 11/22 – McCall Report, Ex. 3, PL1551

Exhibit 23 – Fictitious Business Name PDF dated 12/22 – McCall Report, Ex. 4, PL1553

Exhibits 24 - Graphic figures from 10/02/23 expert report of Steven Clark, PL_EXPERT0046-51

Exhibit 25 – Demonstrative \$100 bill

Exhibit 26 – Demonstrative clock timer

Exhibit 27 – Demonstrative ink pen

Exhibit 28 – Demonstrative Kleenex package

Exhibits to Be Offered if the Need Arises

- Exhibit 29 – Memorandum with JAWS instructions sent to Clerks describing the process of accommodating a blind applicant who cannot use JAWS, County_0121-23
- Exhibit 30 – County Budgets – PL0071-0584, PL0585-1056, PL1057-1546
- Exhibit 31 – California Government Code 2720 – Yankee 30(b)(6) Dep. Ex. AC5
- Exhibit 32 – Defendants’ Discovery Responses
- Exhibit 33 – Defendants’ Initial Disclosures

1 Plaintiff reserves the right to use all evidence designated by Defendants and all deposition
2 exhibits, document productions, and other discovery materials for impeachment purposes.
3

4 **III. DESIGNATION OF DEPOSITION TESTIMONY**

5 Plaintiff intends to present all witnesses live or over real-time video conference as permitted
6 by the Court. However, in the event of the unavailability of a witness at trial, Plaintiff provides
7 disclosures as set forth in **Exhibits A-E**. Plaintiff reserves the right to use all non-designated
8 testimony for impeachment.

9
10 DATED: October 10, 2024

Respectfully submitted,

11 TRE LEGAL PRACTICE

12 */s/ Timothy Elder*
13 Timothy R. Elder

14 *Attorneys for Plaintiff*

PROOF OF SERVICE

I, Michelle Korosy, declare.

1. I am over 18 years of age and not a party to this action.
2. My business address is 1155 Market Street, 10th Floor, San Francisco, CA 94103.
3. On January 10, 2024, I served the following document(s) via electronic service at the email addresses set forth below:

PLAINTIFF'S AMENDED EXCHANGED PRETRIAL DISCLOSURES, EXHIBITS A-E

4. Persons served include:

Attorneys for Defendants County of Alameda, Melissa Wilk, Eva He, and Maria Laura Briones:

Kevin Gilbert - kgilbert@ohshlaw.com

Nicholas D. Fine - nfine@ohshlaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Clovis, California on January 10, 2024.

Michelle Korosy

Michelle Korosy

From: [Michelle Korosy](#)
To: [Kevin Gilbert](#); [Nicholas D. Fine](#)
Cc: [Timothy Elder](#); [Kristopher A. Nelson](#); [Tomiyo Stoner](#); [Elena LaBella](#)
Subject: Martinez v. County of Alameda et al: Plaintiff's Amended Pretrial Disclosures
Date: Wednesday, January 10, 2024 10:28:11 PM
Attachments: [Amended Pretrial Disclosures w Exhibits A-E.pdf](#)

Counsel,

Attached please find Plaintiff's Amended Exchanged Pretrial Disclosures and Exhibits A-E.

Thank you,
Michelle

Michelle Korosy - Paralegal
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